

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DEFRANCO,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 04-230
)	Erie
WILLIAM WOLFE, STEVE REILLY,)	District Judge Cohill
DENNIS BUNNER, ROD SHOWERS,)	Magistrate Judge Baxter
JUDY JACKSON, et al.,)	
)	
)	
Defendants.)	

MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S MOTION FOR
RECONSIDERATION

AND NOW, come the defendants, William Wolfe, Steve Reilly, Denise Bunner, Rod Showers, Judy Jackson, Jeffrey Beard, William Barr, and Marilyn Brooks, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Mary L. Friedline, Senior Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully move for a brief extension of time to respond to Plaintiff's Motion for Reconsideration (Doc. #33) based on the following:

1. Pursuant to this Court's Order of November 29, 2005, defendants were to file a response to Plaintiff's Motion for Reconsideration (Doc. # 133) within ten (10) days after transcripts from prior hearings on April 22, 2005 and September 2, 2005 were filed. Doc. # 136.

2. According to the Docket, those transcripts were filed on January 25, 2006. (Doc. #'s 141 and 142).

3. Undersigned counsel assumed responsibility for this case after Christian Bareford was recalled to active military duty in early January. However, she was lead counsel in an employment discrimination jury trial in front of the Honorable Kim R. Gibson starting on February 6, 2006 and lasting through February 14, 2006, and inadvertently missed the response deadline on the Motion for Reconsideration.

4. Plaintiff filed today a Motion for Sanctions because defendants have failed to file a response. As stated, this was an inadvertent omission, and defendants respectfully request an extension (10), until February 26, 2006 to file defendants' response to Motion for Reconsideration.

WHEREFORE, it is respectfully requested that this motion be granted and that defendants be granted until February 26, 2006 to respond to the Motion for Reconsideration.

Respectfully submitted:

Thomas W. Corbett, Jr.,
Attorney General

By: ____/s/Mary Lynch Friedline____
Mary Lynch Friedline
Senior Deputy Attorney General
PA. I.D. No. 47046

Susan J. Forney
Chief Deputy Attorney General
Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219
Ph: 412-565-3520 Date: February 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2006, I electronically filed the foregoing ***Motion to Extend Time to Respond to Plaintiff's Motion for Reconsideration*** with the Clerk of Court using the CM/ECF system. And I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

ANTHONY DEFRANCO
CZ-3518
SCI Albion
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Albion, PA 16475-0001

By: /s/ Mary Lynch Friedline
MARY LYNCH FRIEDLINE
Senior Deputy Attorney General

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